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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,005	04/26/2001	Scott K. Middelstadt	DD-023-1-US-01	8413

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EXAMINER

GRAY, LINDA LAMEY

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/843,005

Applicant(s)

MIDDELSTADT ET AL.

Examiner

Linda L Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004 and 28 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-18, 33-41 and 55-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18 and 55-65 is/are allowed.
- 6) ☒ Claim(s) 32-37 and 41 is/are rejected.
- 7) ☒ Claim(s) 38-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6-28-04/4-19-04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

**Claim Rejections - 35 USC 103**

**1.** The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**2. Claims 32-37 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm (US 3,957,570) in view of Doderer-Winkler (US 5,429,576).**

**Claim 32**, Helm teaches a tape feed assembly including feed roll 18 for advancing web 16 from supply 14 thereof along a predetermined path at a first speed, pressure roller 18a for holding web 16 in engagement with roll 18, vacuum roll 24' with anvil insert 26' for accepting web 16 from roll 18, a driver for roll 24' to provide a predetermined peripheral speed thereof different from the first speed for advancing web 16 toward vacuum wheel applicator 29' in predetermined lengths 10 where applicator 29' advances lengths 10 onto a substrate (c 2, L 28, to c 4, L 9), knife 27' having a blade means engagable with roll 24' for cutting web 16 against roll 24', and a motor controller means including items D and 54 for changing the speed of web 16 and roll 24' to adjust the length of web 16 passing roll 24' (and changing the speed of web 16 and roll 24' to adjust the length of web 16 passing roll 24' (and thus the length of lengths 10) before being cut by knife 27' and later registered with the substrate where roll 18 has a peripheral speed (**claim 36**) equal to or less than that of roll 24' (c 5, L 46, to c 6, L 10-18; para bridging c 4-5).

**Claim 32**, *Helm does not teach knife 27 to be a rotary knife driven at the same speed as roll 24'.*

Doderer-Winkler teaches rotary knife 70 having blade means 72 engagable with vacuum roll 69 for cutting a web against roll 68 (c 5, L 20, to c 6, L 29).

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Helm that knife 27 be a rotary knife driven at the same speed a roll 24' because Doderer-Winkler teaches such to a conventional in the art and it is obvious to replace one cutter with another art recognized alternative cutter.

The limitations of **claims 34-35** refers to the material operated upon by the claimed apparatus and do not provide structural differences between the claimed apparatus and that of Helm. **Claim 37**, in Helm modified the speeds of roll 24' and its corresponding rotary knife are at the same speed. **Claim 32**, the holes on the surface of roller 29' form a foraminous surface. **Claim 33**, web 16 is on roll 24' prior to being cut. **Claim 41**, Helm demonstrates in Figure 14 as well as Figures 7-10 (embodiment 1) that web 16 is upon roll 24' for a given peripheral degree which is shown to be 180 degrees (Fig 7 specifically).

**Allowable Subject Matter**

**3. Claims 13-18 and 55-65 are allowed.**

**Claims 38-40 are object to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.**

**4.** The following is a statement of reasons for the indication of allowable subject matter, where that for **claims 13** and **39** are found in the prior Office action:

**claim 55:** the prior art of record does not teach a first sensor positioned to detect a location on the substrate for applying lengths 10 to the substrate and generate a first signal identifying the location; a second sensor positioned to detect the rotational position of the rotary knife and generate a second signal identifying the rotational position; and a controller configured to receive the first signal and the second signal and control the peripheral speed of at least the rotary knife or vacuum roll 24' in response to the first signal and the second signal; and

**claim 63:** the prior art of record does not teach an adhesion preparation means for activating the web 16 in that the adhesive for bonding lengths 10 and web 12 is provided in web 12.

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**Response to Papers Filed**

5. Applicants' comments filed 4-19-04 have been fully considered. Helm meets the limitation of the rotary knife engaging and cutting the web material at a location on the vacuum roll because roll 24' in Helm is a vacuum roll.

**Conclusion**

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached at (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg  
September 14, 2004

  
LINDA GRAY  
PRIMARY EXAMINER